

22 JUN 2005

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TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

Application Number	10/523,357
Filing Date	January 28, 2005
First Named Inventor	Mickie Bhatia
Art Unit	
Examiner Name	
Attorney Docket Number	BP 10188-18

Total Number of Pages in This Submission

ENCLOSURES (Check all that apply)

<input checked="" type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input checked="" type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Reply to Missing Parts/Incomplete Application <input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation <input type="checkbox"/> Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____ <input type="checkbox"/> Landscape Table on CD	<input type="checkbox"/> After Allowance Communication to TC <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): two (2) pages of PTO-1449; nineteen (19) references; return postcard
Remarks		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm Name	Pabst Patent Group LLP		
Signature			
Printed name	Tiffany B. Salmon		
Date	June 20, 2005	Reg. No.	55,589

CERTIFICATE OF TRANSMISSION/MAILING

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below:

Signature			
Typed or printed name	Ronna Berman	Date	June 20, 2005

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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BP 10188-00018

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Effective on 12/08/2004.

Fees pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4818).

**FEE TRANSMITTAL
For FY 2005**☐ Applicant claims small entity status. See 37 CFR 1.27**TOTAL AMOUNT OF PAYMENT** (\$) 0.00**Complete if Known**

Application Number	10/523,357
Filing Date	January 28, 2005
First Named Inventor	Mickie Bhatia
Examiner Name	
Art Unit	
Attorney Docket No.	BP 10188-18

METHOD OF PAYMENT (check all that apply)
☐ Check ☐ Credit Card ☐ Money Order ☐ None ☐ Other (please identify): _____

☒ Deposit Account Deposit Account Number: 50-3129 Deposit Account Name: Pabst Patent Group LLP

For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)

☐ Charge fee(s) indicated below ☐ Charge fee(s) indicated below, except for the filing fee

☒ Charge any additional fee(s) or underpayments of fee(s) under 37 CFR 1.16 and 1.17 ☒ Credit any overpayments

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

FEE CALCULATION**1. BASIC FILING, SEARCH, AND EXAMINATION FEES**

Application Type	FILING FEES		SEARCH FEES		EXAMINATION FEES		Fees Paid (\$)
	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	
Utility	300	150	500	250	200	100	
Design	200	100	100	50	130	65	
Plant	200	100	300	150	160	80	
Reissue	300	150	500	250	600	300	
Provisional	200	100	0	0	0	0	

2. EXCESS CLAIM FEES

Fee Description	Fee (\$)	Small Entity Fee (\$)
Each claim over 20 or, for Reissues, each claim over 20 and more than in the original patent	50	25
Each independent claim over 3 or, for Reissues, each independent claim more than in the original patent	200	100
Multiple dependent claims	360	180

Total Claims	Extra Claims	Fee (\$)	Fee Paid (\$)	Multiple Dependent Claims	Fee (\$)	Fee Paid (\$)
26 - 26 or HP =	0	x	=			

HP = highest number of total claims paid for, if greater than 20

Indep. Claims	Extra Claims	Fee (\$)	Fee Paid (\$)
9 - 9 or HP =	0	x	=

HP = highest number of independent claims paid for, if greater than 3

3. APPLICATION SIZE FEE

If the specification and drawings exceed 100 sheets of paper, the application size fee due is \$250 (\$125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).

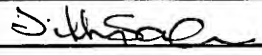
Total Sheets	Extra Sheets	Number of each additional 50 or fraction thereof	Fee (\$)	Fee Paid (\$)
- 100 =	/ 50 =	(round up to a whole number) x	=	

4. OTHER FEE(S)

Non-English Specification, \$130 fee (no small entity discount)

Other: _____

SUBMITTED BY

Signature		Registration No. (Attorney/Agent) 55,589	Telephone (404) 879-2153
Name (Print/Type)	Tiffany B. Salmon	Date June 30, 2005	

This collection of information is required by 37 CFR 1.136. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 30 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Mickie Bhatia

Serial No.: 10/523,357

Art Unit: Not Yet Assigned

Filed: January 28, 2005

Examiner: Not Yet Assigned

For: *STEM CELLS FOR TREATING PANCREATIC DAMAGE*

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

INFORMATION DISCLOSURE STATEMENT

Sir:

Pursuant to 37 C.F.R. §1.56 and 37 C.F.R. §1.97, Applicant submits an Information Disclosure Statement, including two (2) pages of Form PTO-1449 and a copy of each document cited therein.

This Information Disclosure Statement is being filed under 37 C.F.R. § 1.97(b) prior to a first Office Action on the merits. It is believed that no fee is required with this submission. However, should a fee be required, the Commissioner is hereby authorized to charge any required fees to Deposit Account No. 50-3129.

U.S. Patent Applications

<u>Number</u>	<u>Publication Date</u>	<u>Inventor</u>	<u>Class/Subclass</u>
2002/0012653	01-31-2002	Pang, et al.	424/93.1

U.S. Patents

<u>Number</u>	<u>Issue Date</u>	<u>Patentee</u>	<u>Class/Subclass</u>
5,780,299	07-14-1998	Ambesi, et al.	435/366

6,174,526 01-16-2001 Cerami, et al. 424/93.1

Foreign Documents

<u>Number</u>	<u>Publication Date</u>	<u>Patentee</u>	<u>Country</u>
1 254 952	11-06-2002	Kyowa Hakko Kogyo CO.	EP
WO 01/11011	02-15-2001	Furcht, et al.	PCT
WO 01/21766	03-29-2001	Cell Science Therapeutics	PCT
WO 01/21767	03-29-2001	Morphogen Pharmaceuticals	PCT
WO 02-09650	02-07-2002	New York Medical College	PCT
WO 02/13760	02-21-2002	New York Medical College U.S.A., Department of Health and Human Services	PCT
WO 02/64748	08-22-2002	Furcht, et al.	PCT
WO 02/83187	10-24-2002	Islet Technology, Inc.	PCT

Publications

BEILHACK, et al., "Purified allogenic hematopoietic stem cell transplantation blocks diabetes pathogenesis in NOD mice" *Diabetes* 52(1):59-68 (2003) (abstract only).

ENDE, et al., "NOD/l^{tj} type I diabetes in mice and the effect of stem cells (Berashis) derived from human umbilical cord blood" *Journal of Medicine* 33(1-4):181-187 (2002) (abstract only).

HESS, et al., "Bone marrow-derived stem cells initiate pancreatic regeneration" *Nature Biotechnology* 21(7):763-770 (2003).

IKEHARA, et al., "Prevention of type I diabetes in nonobese diabetic mice by allogeneic bone marrow transplantation" *PNAS* 82:7743-7747 (1985).

ORITZ, et al., "Functional characterization of a novel hematopoietic stem cell and its place in the c-kit maturation pathway in bone marrow cell development" *Immunity* 10(2):173-182 (1999).

SPRINGER, et al., "Not the usual suspects: the unexpected sources of tissue regeneration" *Journal of Clinical Investigation* 107(11):1355-1356 (2001).


THAN, et al., "Bone marrow transplantation as a strategy for treatment of non-insulin-dependent diabetes mellitus in KK-Ay mice" *Journal of Experimental Medicine* 176(40):1233-1238 (1992).

TSAI, et al., "Plasticity, niches, and the use of stem cells" *Developmental Cell* 2(6):707-712 (2002).

Remarks

This statement should not be interpreted as a representation that an exhaustive search has been conducted or that no better art exists. Moreover, Applicant invites the Examiner to make an independent evaluation of the cited art to determine its relevance to the subject matter of the present application. Applicant is of the opinion that his claims patentably distinguish over the art referred to herein, either alone or in combination.

Respectfully submitted,



Tiffany B. Salmon
Reg. No. 55,589

Dated: June 20, 2005

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Substitute for form 1449A/PTO

**INFORMATION DISCLOSURE
STATEMENT BY APPLICANT**

(Use as many sheets as necessary)

Sheet 1 of 2

Complete if Known

Application Number	Unknown
Filing Date	Unknown
First Named Inventor	Mickie Bhatia
Art Unit	Unknown
Examiner Name	Unknown
Attorney Docket Number	10188-18

U.S. PATENT DOCUMENTS

Examiner Initials*	Cite No. ¹	Document Number	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number - Kind Code ² (if known)			
	1	US-5,780,299	07-14-1998	Ambesi et al.	Entire document and claims
	2	US- 6,174,526	01-16-2001	The Picower Institute	
	3	US- 2002/0012653	01-31-2002	Pang et. al.	
	4	US-			
		US-			
		US-			
		US-			
		US-			
		US-			
		US-			

FOREIGN PATENT DOCUMENTS

Examiner Initials*	Cite No. ¹	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T ⁶
		Country Code ³ - Number ⁴ - Kind Code ⁵ (if known)				
	1	WO 01 11011 A2	02-15-2001	Reyes Morayma et al.	Pg. 1, line 26, pg. 8 line 23, pg. 9, line 22, pg. 14, line 22-25, pg. 45, line 16-26, pg. 51, line 6, pg. 52, line 17	
	2	WO 02 064748 A2	08-22-2002	Furcht, Leo et al.	Pg. 9, line 29, pg. 13, line 5, pg. 21, line 23, pg. 22, line 2, pg. 32, line 6-9, pg. 39, line 25-28, Claims 3, 20, 27, 29, 35, 52, 54, 57, 59, 61, 68, 73	
	3	WO 02 083187 A	10-24-2002	Islet Technology Inc.	Pg. 21, line 6, pg. 23, line 21, pg. 35, line 21, pg. 37, line 9	
	4	EP 1 254 952 A	11-06-2002	Kyowa et. al.		
	5	WO 02/13760 A2	02-21-2002	New York Medical et.al.		
	6	WO 02/09650 A2	02-7-2002	New York Medical		
	7	WO 01/21767 A2	03-29-2001	Morphogen Pharma.		
	8	WO 01/21766 A2	03-29-2001	Cell Science		

Examiner
SignatureDate
Considered

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. ¹ Applicant's unique citation designation number (optional). ² See Kinds Codes of USPTO Patent Documents at www.uspto.gov or MPEP 901.04. ³ Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁴ For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁵ Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. ⁶ Applicant is to place a check mark here if English language Translation is attached.

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**INFORMATION DISCLOSURE
STATEMENT BY APPLICANT**

(Use as many sheets as necessary)

Sheet 2 of 2

Complete if Known

Application Number	Unknown
Filing Date	Unknown
First Named Inventor	Mickie Bhatia
Art Unit	Unknown
Examiner Name	Unknown
Attorney Docket Number	10188-18

NON PATENT LITERATURE DOCUMENTS

Examiner Initials *	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T ²
	1	HESS, David et al., Bone marrow-derived stem cells initiate pancreatic regeneration, Nature Biotechnology, 21(7), pgs. 763-770, 2003, XP002265780.	
	2	ORTIZ, Mariaestela et. al., Functional characterization of a novel hematopoietic stem cell and its place in the c-kit maturation pathway in bone marrow cell development, Immunity, 10(2), pgs. 173-182, 1999, XP001156831.	
	3	SPRINGER, Matthew L. et al., Not the usual suspects: the unexpected sources of tissue regeneration, Journal of Clinical Investigation, 107(11), pgs. 1355-1356, 2001, XP002265781.	
	4	TSAI, Robert Y. L. et al., Plasticity, niches, and the use of stem cells, Developmental Cell, 2(6), pgs. 707-712, 2002, XP009023173.	
	5	BEILHACK, George F. et al., Purified allogenic hematopoietic stem cell transplantation blocks diabetes pathogenesis in NOD mice, DATABASE CA 'Online', Chemical Abstracts Service, Columbus, OH, Database accession no. 139:875 CA, XP002265783. Abstract & Diabetes (2003), 52(1), pgs. 59-68, 2003.	
	6	ENDE, Norman et al., NOD/LtJ type I diabetes in mice and the effect of stem cells (Berashis) derived from human umbilical cord blood, DATABASE BIOSIS 'Online', Biosciences Information Service, Philadelphia, PA, Database accession no. PREV200300399271, XP002265784. Abstract & Journal of Medicine, vol. 33, no. 1-4, 2002, pgs. 181-187, ISSN: 0025-7850.	
	7	IKEHARA, S. et. al., Prevention of type I diabetes in nonobese diabetic mice by allogeneic bone marrow transplantation, Proc. Natl. Acad. Sci, USA 82, 7743-7747, 1985.	
	8	Than, S. et. al., Journal of Exp. Med., 176(40), 1233-1238, 1992.	
	9		
	10		
	11		

Examiner Signature		Date Considered	
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*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

¹ Applicant's unique citation designation number (optional). ² Applicant is to place a check mark here if English language Translation is attached.

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